

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 01/01/1999	NUMBER 06.01.110
SUBJECT INTERSTATE COMPACT ADMINISTRATION		SUPERSEDES PD 06.01.110 (12/30/97)	
		AUTHORITY MCL 780.1 et seq.; 780.111 et seq.; 780.601 et seq.; 791.221a et seq.; 798.101 et seq. ACA STANDARDS 2-3164; 2-3164-3; 2-3164-4; 2-3164-5; 2-3164-6; 2-3164-7; 2-3164-8; 2-3164-9; 2-3164-10; 2-3164-11; 2-3164-12; 2-3164-13; 2-3165	
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POLICY STATEMENT:

Interstate compacts and agreements and statutes related to uniform interstate crime control acts shall be implemented as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. The Deputy Director, Field Operations Administration (FOA), is designated by the Governor as the Administrator of the Interstate Compact for the Supervision of Parolees and Probationers. The Director is designated by statute as the Administrator of the Interstate Agreement on Detainers (IAD) and as the person responsible for entering into contracts under the Interstate Corrections Compact.
- B. The Interstate Manager, Office of Field Programs (OFP), is appointed as Deputy Administrator for the Interstate Compact for the Supervision of Parolees and Probationers and for the IAD.

INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS

- C. All 50 states of the United States, the District of Columbia, Puerto Rico and the Virgin Islands are signatories to this compact.
- D. The rules of practice for this compact as promulgated by the Parole and Probation Compact Administrators Association are adopted by the MDOC.
- E. All convicted offenders, including misdemeanants, who are placed on parole or probation are eligible to make application for transfer under this compact. The supervision of an offender shall be transferrable to another state if the offender is a resident of the receiving state or has family in the receiving state and can obtain employment there. Transfer of supervision may also be granted to offenders who are nonresidents and to offenders with no family members in the receiving state if the receiving state consents. Nonconvicted offenders are not eligible for services under this compact, however, most signatory states agree to grant courtesy supervision.
- F. Unless otherwise stated, all communications concerning transfer or supervision of offenders under the provisions of this compact shall be routed through the office of the Michigan Compact Administrator. No offender shall be considered for transfer into Michigan until an official transfer request has been received from the Michigan Compact Administrator.
- G. All correspondence prepared by Michigan agents regarding compact offenders shall be on approved forms. Approved for use are MDOC letterhead, Interstate Case Report (CFJ-128), Parole and Probation Form I - Investigation Request (CFJ-153), Interstate Compact Application for Compact Services and Agreement to Return (CFJ-166), Parole and Probation Form VI - Progress and Conduct Report (CFJ-136), Parole and Probation Form VI-A (CFJ-181), Parole and Probation Form VI-B (CFJ-182), Parole and Probation Form VI-C (CFJ-183), Parole Violation Charges (CFJ-

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168), Preliminary Parole Violation Hearing - Report of Findings (CFJ-185), Michigan Conditions of Parole (CFJ-189), Report of Arrival - Parole and Probation VII (CFJ-107), Travel Permit (CFJ-118), and Transfer Investigation Report (CFJ-116). All correspondence and case documentation shall be sent to the Michigan Compact Administrator in triplicate.

TRANSFER RULES INTO MICHIGAN

- H. When a transfer request to Michigan is received by a Michigan agent from the Michigan Compact Administrator, the proposed placement plan shall be investigated to determine if the sponsor is willing and able to provide temporary support or to verify that there is confirmed employment or other means of support available to the offender. Items that shall be investigated and evaluated are the general character of the neighborhood, physical aspects of the home environment, attitudes of home occupants to cooperate with the field agent, criminal records of home occupants, alcohol or drug abuse of home occupants, presence of weapons, and any other pertinent special circumstance related to particular offenders. Commercial placement, placement in an inpatient drug, alcohol or mental health treatment facility, placement in a nursing home or adult foster home, or placement in any other similar facility shall not be arranged for offenders from another state. Requests for transfer into Michigan shall be investigated and a response completed within 30 days of the field agent receiving an assignment to investigate from the Michigan Compact Administrator. The authority to grant extensions is granted to field office supervisors. Once the offender has arrived in Michigan and reported, a Report of Arrival (CFJ-107) shall be sent to the sending state within 30 days.
- I. An offender who reports to a field office prior to receipt of an official request for supervision who claims to be on parole or probation from another state shall be placed on pretransfer tracking status. Local law enforcement shall be notified of an offender's arrival in its jurisdiction. An offender who is required to be registered pursuant to the Sex Offenders Registration Act shall be instructed to register and this registration shall be confirmed. Failure to register shall be reported to the Michigan State Police. The offender shall be instructed to make monthly reports by mail or in-person and to supply information for purposes of determining his/her criminal background. The offenders' conviction information shall be confirmed through LEIN or from the sending state if the information is not in the LEIN system. A CFJ-107 shall be sent to the sending state within 30 days after the offender has reported. Notification also shall be sent to the sending state if two consecutive monthly reports are missed.

TRANSFER RULES OUT OF MICHIGAN

- J. To be considered for transfer to another state, the Michigan agent shall require that the offender sign a Compact Application and by doing so the offender agrees not to change residence within the receiving state without consent of the authorities in the receiving state, to comply with the conditions of probation or parole as fixed by both Michigan and the receiving state, to return to Michigan whenever instructed by authorities in Michigan, to waive extradition to Michigan, and to understand that failing to comply with any of these agreements will be deemed to be a violation of his/her parole or probation.
- K. Transfer requests from Michigan to other states shall only be processed if the offender is in current compliance with the conditions of parole or probation and where the residential plan in the receiving state is legitimate and appropriate. In determining if a plan is legitimate or appropriate, consideration shall be made of the offender's prior residence in that state, whether there are family members there, whether there is verification of acceptance into a school, and whether there is verification of employment or other means of support. Transfers shall not be processed when there is less than six months of supervision remaining. Early discharge or extension of the term of supervision may be considered if the need to relocate is urgent. Transfer requests that have been started shall be canceled if the offender ceases to be in good standing in Michigan.

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- L. A properly documented transfer request shall be prepared and forwarded to the Michigan Compact Administrator by the Michigan field agent currently providing supervision within five business days of receiving notice that a Michigan probationer or parolee has made a legitimate request for transfer to another state. Written follow-up inquiries shall be sent by the field agent to the Compact Administrator after 120 days and at 90-day intervals thereafter until the transfer is completed or otherwise concluded.
- M. Probationers must always have the court's permission to leave Michigan. Further, probationers shall not be allowed to relocate to a receiving state until the receiving state has investigated and approved the placement plan unless, at the time of sentencing, the probationer was residing in that state or as set forth in Paragraph N. Parolees shall not be given permission to relocate to a receiving state until the receiving state has investigated and approved the placement plan, except as set forth in Paragraph N.
- N. In the event of an emergency situation, any offender (probation or parole) may relocate to a receiving state prior to investigation if the receiving state's Compact Administrator agrees that an emergency situation exists or if the receiving state's Compact Administrator agrees to grant discretionary reporting instructions. Emergency situations include a death in the immediate family which requires the offender's presence to provide exclusive care of elderly or dependent relatives or the imminent threat of the loss of employment. If permission to relocate is granted the Michigan offender shall be instructed to continue making reports through appropriate means to his/her Michigan field agent until supervision is formally accepted in the receiving state. The Michigan agent shall request reporting instructions by telephoning the compact office in the receiving state prior to the travel date. The Michigan Compact Administrator shall provide telephone numbers for this purpose. File documentation shall be sent by facsimile directly to the receiving state by the Michigan field agent if requested by the receiving state.

TRANSFERS TO A THIRD STATE

- O. Offenders transferred for supervision into Michigan shall not be allowed to transfer their residence to a third state until obtaining permission from the Michigan Compact Administrator. The Michigan agent shall send detailed information of the proposed placement in the third state to the Michigan Compact Administrator who shall request that the original state initiate an investigation in the third state. Permission to relocate to the state shall not be granted until approval has been received from the original sending state.
- P. Offenders transferred for supervision into Michigan shall not be allowed to return their residence back to the sending state until obtaining permission from the Michigan Compact Administrator. The Michigan agent shall send detailed information of the intention to return residence to the sending state to the Michigan Compact Administrator who shall obtain reporting instructions from the sending state.

TRANSFER RULES WITHIN MICHIGAN

- Q. Transfer of supervision within Michigan of an offender transferred from another state shall be processed in accordance with PD 06.04.125 "Transfer of Parole and Probation Supervision Within Michigan". The receiving field agent shall send notification to the Michigan Compact Administrator when the intrastate transfer has been completed.

SUPERVISION RULES

- R. Offenders accepted for transfer into Michigan from other states shall be supervised using the same standards that apply to Michigan offenders. The parole or probation conditions imposed by the sending state, as well as Michigan's standard conditions of parole or Michigan's statutory conditions of probation shall be enforced. Special conditions of parole may be imposed using the authority contained in the Michigan standard condition entitled Special Conditions. Special

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conditions of probation may only be imposed by the sentencing court.

- S. The duration of supervision for offenders transferred into Michigan shall be determined by the sending state. Michigan agents shall not close interest until the parole or probation period expires, early discharge is granted by the sending state, the sending state issues an arrest warrant, the offender absconds, is sent to prison, dies, returns his/her residence to the sending state, relocates his/her residence to a different state, or permission to close is granted by the Michigan Compact Administrator. Supervision of offenders transferred to Michigan shall cease and the case shall be officially closed on the day after the parole or probation period ends.
- T. Except for offenders transferred into Michigan who have been declared violators or who have absconded, and for those offenders for whom an official discharge has been received, field file documents shall be retained for 90 days after the parole or probation period ends. Field files for absconders and for offenders for whom a warrant has been issued are to be retained for one year. After this period of retention, field files shall be destroyed.
- U. Violations shall be reported to the sending state using the same standards that apply for reporting violations to Michigan courts or the Michigan Parole Board. Offenders transferred from other states shall be afforded the same preliminary violation due process afforded to Michigan offenders.
- V. Progress reports shall be prepared for offenders transferred to Michigan within one year of the transfer date with additional reports due every year thereafter until closure. In addition, a discharge summary shall be prepared within the last 90 days of the parole or probation period, but no later than 60 days before it expires. A comprehensive report requesting early discharge or a comprehensive violation report shall substitute for the annual progress report. The date that one of these reports is prepared will establish a new annual progress report due date.
- W. No supervision fees, restitution, court costs, fines, child support, or family support payments shall be collected for any sending state by Michigan from offenders transferred to Michigan. Michigan agents shall impose a supervision fee on offenders transferred to Michigan. Michigan office supervisors shall have the authority to issue travel permits allowing offenders transferred to Michigan to make temporary visits to other states for a period not to exceed 30 days provided the offender is in current compliance with his/her conditions of supervision. Required supervision contacts shall be taken into consideration when approving the period of travel.

INTERSTATE AGREEMENT ON DETAINERS

- X. The District of Columbia, the Virgin Islands, the Federal government, and all states except Louisiana and Mississippi, are signatories to this Agreement. It allows a prisoner incarcerated within a signatory state against whom there is a detainer filed from a jurisdiction in another signatory state which is based on an untried criminal charge to request that there be a trial held on the pending charge. Further, prosecutors in a signatory state may request temporary custody of prisoners in other signatory states for purposes of trial on a pending criminal charge.

DETAINERS AGAINST MICHIGAN PRISONERS

- Y. A detainer received from a jurisdiction in another signatory state based on an untried criminal charge against a Michigan prisoner shall be processed within ten working days of receipt. The prisoner is to be advised of the detainer and of his/her right to request trial on the charge upon which the detainer is based. A request from a prosecutor in another signatory state for temporary custody of a prisoner for purposes of trying a charge shall be processed within ten working days of receipt. The prisoner is to be advised of his/her right to contest the request. Absent the Governor's or a court's order denying temporary custody, temporary custody shall be granted after the procedures of the IAD have been followed.

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REQUESTS FOR TEMPORARY CUSTODY OF PRISONERS IN OTHER STATES

- Z A Michigan prosecutor, under the provisions of the IAD, may request temporary custody of a prisoner who is in a prison in another signatory state. The Michigan IAD Administrator shall authorize agents to take custody of that prisoner after the prosecutor has complied with the provisions of the IAD.

CORRECTIONS COMPACT

- AA. This compact allows the adoption of contracts between signatory states to transfer individual prisoners to correctional facilities in the other state. The decision to adopt contracts is made by the signatory states.

UNIFORM CRIMINAL EXTRADITION ACT

- BB. All states have adopted this act which allows retrieval of fugitives from other states for prosecution of pending charges, for returning escapees from custody and for parole and probation violators. A requesting agency makes a request for extradition to its own Governor who then asks the Governor in the sending state to allow the extradition. The sending state's Governor issues a warrant if the request is granted, which allows detention of the fugitive until agents from the requesting state can take custody.

UNIFORM RENDITION OF PRISONERS AS WITNESSES

- CC. All states, the District of Columbia, Puerto Rico, and U.S. Territories have provisions allowing prisoners to be taken to other states to appear as witnesses in criminal trials. Requests are made by officials in the receiving state directly to a court of record in the jurisdiction where the prisoner is incarcerated.

OPERATING PROCEDURES

- DD. The Deputy Director, FOA, shall ensure that within 60 days of its effective date, procedures implementing this policy directive are developed.

AUDIT ELEMENTS

- EE. A Primary Audit Elements List has been developed and will be provided to Regional Administrators, FOA, to assist with self-audit of this policy, pursuant to PD 01.05.100, "Self Audit of Policies and Procedures".

KLM:OPH:11/30/98